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Pandemic surveillance capitalism: authoritarian liberalism or democratic backsliding?

Abstract
This study assesses EU states' responses to the pandemic through engaging with literatures on surveillance capitalism, authoritarian liberalism, and democratic backsliding. It investigates restrictions that were carried out in EU states and the means that were used to enforce them via surveillance technology. The analysis reveals that private technological corporations' resources, data, and applicational platforms enabled governmental security and health institutions to monitor, trace, and quarantine entire populaces through side stepping democratic mechanisms. Concurrent to emergency decrees and mass restrictions, governments privileged corporate and industrial interests during lockdowns. These outcomes warrant debate and theorization on what a post-pandemic liberal democratic social order will look like.

Introduction

In just a span of a few months – from January to March 2020 – much of the world's population went from living their day-to-day lives in a fashion that did not drastically differ from years of the past. Parents made breakfast, drank their coffee, and got their kids ready for school. They then went to workplaces and offices where they spent the majority of their day with colleagues. The global economy was in full swing, massive amounts of goods and services were being produced and transported across borders. Economies were growing, some even at a rampant and record-breaking pace. In January however, stories emerged that a new coronavirus, SARS-COV-2 (COVID-19) was spreading throughout the Wuhan province of China. Not long after, the virus made its way into other parts of Asia, Europe, and North America. The World Health Organization (WHO) scrambled to identify the nature of the virus and quickly started recommending policies to countries and international institutions on how to deal with containment. In what seemed like a blink of an eye, cross-border travel was restricted, flights were cancelled, and entire systems of production were shut down.

What ensued were the first, second, third, and at the time of writing this study, fourth waves of the pandemic. Throughout these time periods in western liberal democratic contexts, arguably the largest and most wide-reaching restrictions on human behavior and movement were implemented in history. As one would expect, thus far, burgeoning scholarly literature(s) have emerged that have questioned, problematized, and probed the heterogeneous collection of restrictions and policies that governments implemented during different waves of the pandemic ,especially in the first wave. (Eichler and Sonkar 2021) highlight the plethora of challenges that pandemic restrictions brought about for the status of constitutional democracy because of the profound impact that emergency decrees had on society combined with the public's inability to contest such policies. Bigo et al. (2021) argue that the pandemic redefined boundaries of political power by leading states back to sovereignty, national territorial control, and that states pursued national security through social control. Other scholarly inquiries have probed the linkages that big tech has to surveillance security during the pandemic (Tréguer 2021). Scholars have long acknowledged that surveillance not only plays a key function in society but also exemplifies varying manifestations power and dominance (Foucault 1991, Deleuze 1992, Mattelart 2010, Gjerde 2021). In an analysis of the Norwegian response to the pandemic, Gjerde (2021) argues the state implemented both liberal and authoritative measures and points out that,

'The pandemic demonstrates the state's great potential to exercise power, thus revealing that governmentality scholars should increase their focus upon the state and its capabilities to channel and influence power, also when analysing power at the microlevel' (Gjerde 2021, p. 487).

In a similar vein, Cunha et al. (2021) contend that the pandemic will exaggerate the presence of aspects of surveillance society because of 'windows of opportunity' that it created along with a 'normality of exception' (Cunha et al. 2021, p. 376). The present study delves into the EU response to the pandemic through assessing the role that digital technologies and surveillance capitalism (Zuboff 2019) played in enabling the largest restrictions in liberal democratic history to be carried out. Throughout the different waves of the pandemic, liberal democratic states began to monitor, track, and trace their populaces through usage of surveillance technology that was facilitated through collaboration with private technological corporations. The implications that these processes present for our understanding of political power in the contemporary digital age are significant. Prior to the pandemic, such collaborations were limited in scope and tended to be applied in the realm of national security and were aimed at particular groups and policies. During the pandemic however, the usage of Bluetooth, GSM, and Apple/Google app-based technologies enabled government security and health institutions to track, trace, and quarantine masses of civilians through accessing customer data without consent. Combined with surveillance, governments in the EU wholly gave preference to corporate goods suppliers at the expense of small-to-medium businesses.

Through engaging with the concepts found in literatures on authoritarian liberalism and democratic backsliding, this study's approach in identifying the characteristics and elements of surveillance capitalism during the pandemic echoes a Weberian ideal types framework. As the aim of this study is to make specific patterns visible drawn from a complex cluster of causes and outcomes during the pandemic response (Fritz and Ringer 2009), most attention is placed on factors that encompass political, social, and technological responses rather than medical factors akin to public health crises brought on by the virus. Importantly, while more attention is given to political and technological factors, this study does not intend to downplay the very robust epidemiologic impact(s) brought about by the virus. The multifaceted analysis carried out in this study on linkages between private companies and state security agencies, pandemic legislation, and essential good classifications in the realm of shopping reveals that during the pandemic, liberal democracies implemented policies that are akin to authoritarian liberalism and that a post-pandemicsocial order is likelier to be defined by an overt sense of authoritarian liberalism rather than some of the incremental erosions of constitutional democracy that scholars have associated with democratic backsliding over the last decade.

The order of this study is as follows: the next section overviews the primary forms of restrictions that were carried out in EU states with emphasis being placed on the means that were used to enforce restrictions via surveillance technology. This is proceeded by a section that explains the basis of Zuboff's (2019) Surveillance Capitalism. The next section traces how surveillance capitalistic processes enabled governments to enforce mass restrictions on movement and behavior while simultaneously side-stepping democratic mechanisms. This is followed by a section that deliberates the meaning of pandemic surveillance with reference to authoritarian liberalism. Subsequently, a section highlights the pathways that governments utilized to privilege corporate and industrial interests during lockdowns in the context of 'essential' goods and shopping. These dynamics are then related to a burgeoning literature on democratic backsliding. The findings of this study present implications for our understanding of political power in the contemporary digital surveillance-based age of capitalism.

Surveillance and restrictions during COVID-19

Dating back to Ancient Israel and other historical contexts such as France in the Middle Ages, governments have tracked their populaces' public health statuses whether it be those suffering from leprosy or the plague. Yet into the 19th century and modern era, a rise in governments' abilities to surveil and monitor their populaces occurred through the formation of what Foucault (1991) notably

referred to as disciplinary power (technologically founded surveillance), which replaced sovereign power (usage of force or threat of force). Foucault argued that the state's accumulation of information through modes of surveillance and monitoring in itself represents a type of power which has been used in the modern context to discipline and punish members of society. This form of power also leads to greater self-regulation and even complacency with surveillance because individuals know that others are also under watch. On a societal level, as governments exercise this form of power, this tends to result in a cyclical process that enables surveillance policies to be implemented and such policies then bring about the accumulation of information which ultimately leads to more surveillance. Other similar perspectives have described modern surveillance as a correlate of state capacity. As state capacity increased in size and scope, the modern era of nation states has come to see what Mattelart describes as a 'security-insecurity dialectic.' The securitarian management of populations is carried out via institutions that identify a series of biological indicators of the 'dangerousness of the individual' in different spheres including health care, education, immigration, and penal policy (Mattelart 2010, p. 196). The pandemic has revealed that technological sophistication and progress continue to reach unforeseen heights and states' ability to track and predict the behavior of their populaces continues to expand to a degree that few (if any) can wholly describe.

While claims about tech corporations' and companies' cooperation with state security agencies are not entirely new, the pandemic has offered us empirical observations about surveillance capitalism and its relation to state security and health institutions in the context of a massive dislocatory event . The pandemic arose in an era of surveillance capitalism and it is because of the latter's antecedent conditions that governments were able to take advantage of what Zuboff (2019) refered to as 'unprecedented asymmetries in knowledge' 2019, to monitor and track hundreds of millions of people. In other words, previous systems of surveillance drawn from private institutions were utilized by governments in a process that brought about more surveillance, monitoring, and data gathering (on civilian movement and behavior) than arguably any previous point in history. By March of 2020, lockdowns were initiated across much of the European Union and North America. Borders were shut and the global economy came to a halt (e.g. the second quarter of US GDP in 2020 experienced a drop of 32.2% – among the largest in history). Although restrictions eased in many countries across the Northern hemisphere into the summer months as the rate of respiratory illness decreased (including the number of COVID-19 infections and hospitalizations), once cases began to pick up, restrictions and shutdowns followed in late 2020, early 2021, and late 2021. The most extreme of restrictions can be observed at the height of the first wave of the pandemic where in many countries, travel was restricted either to the city or county of a person's residence and was only permitted for 'essential' reasons such as going to work or buying food or pharmaceuticals. Social gatherings (up to three, five or ten people, depending on context) were banned.

To enforce such restrictions, governments had to monitor civilian movement and behavior and threaten to penalize those who did not follow restriction rules and guidelines. In doing so, governments utilized traditional sources of security including police and law enforcement agencies, but they also employed digital forms of surveillance including technological resources from private corporations' data and applicational architecture. These developments resulted in traditional security services and institutions obtaining a heightened ability to engage in surveillance through monitoring populations. Much of this was made possible by events that transpired in April of 2020 when six telecommunication corporations in the European Union had agreed to cooperate with Brussels (as well as national governments, i.e. 27 EU member states) to offer GSM and satellite data that would help security agencies monitor, enforce, and potentially predict social gatherings. Likewise, Apple and Google coordinated with governments to develop 'tracking' applications that functioned via GSM and 3 g/4 g/5 g internet connectivity. For example, telecommunication corporations such as Vodafone fused with the Italian government to track

geolocation data of civilians' movements. Alongside Vodafone, six other telecommunication companies (Telefonica, Telecom Italia, Telenor, Telia and A1 Telekom) met with the EU commission in order to coordinate 'measures tracking the spread of the virus' (Chee 2020). In total, an 'eHealth Network' was forged that featured representatives of digital health authorities from 27 EU member states plus Norway – the network's tracking apps were operationalized through Google and Apple programming interfaces on smartphones (Blasimme et al. 2021). These apps enabled governments to gather 'metrics data for public health surveillance, such as the day, time, and duration of a contact; whether the infected user is asymptomatic; the first day of illness; and the date of testing' (Blasimme et al. 2021).

The widespread dispersion of smart phone usage across societies enabled governments to carry out such a project, much of which was made possible because of the vast presence of Android and iOS devices owned by civilians. These devices contain Bluetooth technology – a technology that was used to track device contacts in public and private areas. In some contexts, banks cooperated with government security agencies to offer data on whether quarantined civilians were using their debit/credit cards in areas outside of their home. At the onset of the pandemic, states, their ministries of health, and accompanying institutions (police and other law enforcement agencies) needed to access complex and large-scale systems of information including computational tools that private companies possessed as well as algorithmic and machine learning power. For instance, an EU Commission report put out during the first wave of the pandemic in April of 2020 titled, 'Guidance on Apps supporting the fight against COVID-19 pandemic in relation to data protection' (European Commission 2020a), described how technology would enable the virus to be tracked,

'Digital technologies and data have a valuable role to play in combating the COVID-19 crisis. Mobile applications typically installed on smartphones (apps) can support public health authorities at national and EU level in monitoring and containing the COVID-19 pandemic and are particularly relevant in the phase of lifting containment measures. They can provide direct guidance to citizens and support contact tracing efforts.'

The report also noted that,

'The purpose of the Recommendation is, inter alia, to develop a common European approach ("Toolbox") for the use of mobile applications, coordinated at EU level, for empowering citizens to take effective social distancing measures, and for warning, preventing and contact tracing to help limit the propagation of the COVID-19 disease' (European Commission 2020b)

The scope of guidance here is linked to the European Data Protection Board (EDPB). In the same month, another regulatory document provided guidelines on 'epidemiological surveillance, monitoring, early warning of, and combating serious cross-border threats to health' (European Commission 2020a). These rules encompassed the Commission coordinating with member states 'to ensure coordination and information exchange between the mechanisms and structures established.' All of these mechanisms of surveillance were rolled out incredibly quickly, were efficient in their implementation, and were not contested in any meaningful way neither by other branches of governments (through checks and balances) or by the voters who elected the incumbent parties that enacted these policies.

By September 2020, the architecture for an EU wide surveillance system was already being manifested in full capacity. The aforementioned eHealth Network that was supported by the EU Commission was implemented so that mobile applications could be used for contact tracing across the entire EU block. According to an EU Commission report, 'the gateway, a digital infrastructure that ensures the communication of information between national apps' backend servers, will ensure that apps will work

seamlessly also cross-borders' (European Commission 2020c). The key aspect of the development of this EU-wide architectural surveillance system is that the entire architecture was 'set up by T-Systems and SAP and will be operated from the Commission's data centre in Luxembourg' (European Commission 2020c). It is also of importance to consider that surveillance applications were designed and redesigned by diverse participants which differs from older information technology that tended to be premised on the watcher (designer and implementer) and the watched or those who are under surveillance (Zorina et al. 2021). These pandemic processes of surveillance echo a broader trend having to do with technology's increasing dominance over social organization. Computer scientists have already started to point out that the pandemic has accelerated what is referred to as 'MANBRIC-convergence' which involves medical, additive, bio, nano, info, robotics, and cognitive technologies (Grinin et al. 2021).

While civilians who did not contract or test positive for COVID-19 were not required to download or use apps in the EU context, anyone that sought to travel to a 'high risk' country was required to get tested and install the apps upon their arrival back to their home country. Likewise, anyone that tested positive for the virus was also required to install and use the apps. These apps thus provided governments with a newfound ability to monitor citizens. As the first and second waves of the pandemic ensued, data from people's geolocation(s) were monitored by the state which enabled it to identify whether public gatherings were taking place (against restrictions) and if an infected individual left his/her place of residence unlawfully. Ultimately, these applications enabled governments to enforce quarantine orders according to digital methodologies that were made possible by the antecedent presence of surveillance capitalism – a phenomenon that has overtaken human experience as free raw material and translated it into behavioral data used by tech corporations for profit seeking purposes.

Surveillance capitalism

The digital age of human connectivity arose in the early 2000s and has since seen massive increases in the amount of time that individuals spend on computers, smartphones, and in digital-based venues of communication (e.g. Instagram; Facebook; TikTok; Skype; WhatsApp; Telegram; Zoom, etc.). Large percentages of populaces now are comprised of individuals who use technology to engage in shopping, education, working, psychological counseling, dating, vacation booking, wedding planning, funeral planning, among countless other activities. Concurrent to this transformation in means of communication, companies have utilized the internet to acquire immense amounts of profit due to a newfound ability to gather sell consumer data. This has resulted in a qualitatively new historical configuration in which there is now ownership of a new means of production – information. Information is now the fountain head of capitalist wealth and power in the twenty first century. While many have written about the immense transformative impact that technology has had on humanity, Zuboff's (2019) contributions in Surveillance Capitalism represent among the more wide-reaching accounts of the changes liberal democratic societies have recently endured. Surveillance capitalism is defined as,

1. 'hidden commercial practices of extraction, prediction, and sales; 2. A parasitic economic logic in which the production of goods and services is subordinated to a new global architecture of behavioral modification; 3. A rogue mutation of capitalism marked by concentrations of wealth, knowledge, and power unprecedented in human history; 4. The foundational framework of a surveillance economy; 5. As significant a threat to human nature in the twenty-first century as industrial capitalism was to the natural world in the nineteenth and twentieth; 6. The origin of a new instrumentarian power that asserts dominance over society and presents startling challenges to market democracy; 7. A movement that aims to impose a new collective order based on total certainty; 8. An expropriation of critical human

rights that is best understood as a coup from above: an overthrow of the people's sovereignty' (Zuboff 2019, vii).

In addition to these characteristics of surveillance capitalism, it is important to make a distinction between surveillance as a basis for monitoring populations and surveillance as a basis for accumulating information. Both of these dynamics do not always go hand in hand together empirically, but during the pandemic, the boundaries between the two became blurred. Duncan (2018) describes surveillance as a means to 'the gathering, storage and/or processing of information for the purposes of social control' (Duncan 2018, p. 155), and argues that surveillance emerges under conditions in which information gathering crosses over from being used for benign purposes (e.g. traffic management) into the realm of politics and social control. To understand how the pandemic spurred a transfiguration of surveillance capitalism into state institutions in which data held by private tech and telecommunication firms was handed over and utilized by state security agencies, we must consider antecedent configurations of surveillance capitalism that were present in society preceding the pandemic. An observable start to the relationship between tech conglomerates and security agencies arose in the early 2000s where American security agencies (the CIA, among others), invested significant resources into Silicon Valley and cooperated with Google. In 1999, the CIA opened 'In-Q-Tel' which was a venture firm and after 9/11 it became a crucial source of new information and capabilities (Zuboff 2019). In-Q-Tel cooperated with Google with the aim of making massive amounts of unstructured data that were floating around the internet intelligible. The Pentagon got in on the action as well. Zuboff describes this process as follows, 'State security agencies sought ways to avail themselves of Google's rapidly developing capabilities and simultaneously use Google to further develop, commercialize, and diffuse security and surveillance technologies with proven intelligence value' (Zuboff 2019). From the early 2000s onwards, Google customized its search engine with special contracts with the CIA which functioned through an internal Wikipedia like organization (Intellipedia) that enabled CIA operatives and agents to share information across organizations.

Prior to the pandemic, such linkages were still relatively clandestine – most people did not know that fusions between state security agencies and private companies existed and more significantly, these linkages were not aimed at entire populaces. The onset of the pandemic, however, drastically changed the antecedent configuration of surveillance capitalism and its relationship to the state. Zuboff (2019) argues that the fundamental nature of surveillance capitalism can be observed in digital connectivity that is now 'a means to others' commercial ends,' and that at its core, surveillance capitalism 'is parasitic and self-referential.' This system of digital profit seeking was flourishing prior to the pandemic, continued to flourish during the pandemic, but importantly, it underwent a transfiguration as it started getting utilized by governments to track and trace their populations. Zuboff brings up an important analogy to the age-old Marxian conception of capitalism being a vampire that feeds on labor. Surveillance capitalism is much broader as it 'feeds on every aspect of every human's experience.' Surveillance capitalism has dampened and is on track to continue to dampen human beings' free will and autonomy.

Computational and algorithmic social engineering strips agency away from individuals and groups. Indeed, if such processes arose on a smaller scale (e.g., if 3 billion people on earth did not communicate through social media platforms such as Facebook), then surveillance capitalism likely would not have what Zuboff describes as 'unprecedented convergence of freedom and knowledge' (Zuboff 2019, p. 466). However, the presence of surveillance capitalism is factually widespread across liberal democratic societies and it has claimed unilateral dominance over human experience. During the pandemic, surveillance capitalism merged with state-led surveillance and although it is not surprising that such an infusion occurred during a time of a massive dislocatory shock, the speed at which this all

transpired is astonishing. From the short period of January to March 2020, EU leaders (and national governments) rolled out surveillance applications through executive actions. Specifically, EU states interpreted health guidance via recommendations from Brussels which were informed by the World Health Organization (WHO) (Fernandez-Bermejo 2021). Policy then diffused on a wide scale. Other types of processes of policy diffusion and emulation have been observed to typically take longer to arise across states, different time periods of history, and throughout different spheres of governance (Simmons and Elkins 2004, Allouche 2016).

However, the key difference in pandemic restriction policies that sets them apart from other policies is that much of the track and trace technologies that were implemented by governments during the pandemic could not have been possible without collaboration with private corporate resources . Antecedent conditions of a surveillance capitalistic system enabled a number of technologies to be utilized by states rapidly and very efficiently. For example, at the height of the pandemic in the German context, Europe's largest telecommunication corporation, Deutsche Telekom, handed over private data to the Robert Koch Institute so it could track the general public's movements and attempt to predict where the virus would spread. The Robert Koch institute is a private epidemiological organization – this move by Telekom was criticized because customers did not consent to their data being used for such a purpose (as was the case in nearly all other Telekom-state linked surveillance operations). Tech journalists described these developments as setting a 'potentially troubling precedent' (Schaer 2020). According to the ACLU, such health surveillance applications 'may well become a lasting and increasingly invasive feature of public life' (Lee 2021).

From surveillance capitalism to authoritarian liberalism?

Scholarly communities must consider the heterogeneous meanings of surveillance that arose during the pandemic and associated outcomes. A plausible direction to take is an obvious, but important one – engaging with the concept of authoritarian liberalism. Definitions of authoritarian liberalism vary, but many believe it has roots in the Weimar Republic and German theorist Heller (2015 [1932]) as well as in Carl Schmitt's work on economic liberalism. It also is frequently discussed in relation to ordoliberalism, which is a German rooted framework that stressed state institutions need to ensure markets function according to their nature and potential (Ptak 2009, Bonefeld 2017). Heller and Schmitt pointed towards the necessity of strong state institutions that could be used to intervene in the market for the purposes of spurring efficient outcomes. Heller also showed antipathy towards representative democracy and viewed emergency powers as being necessary to draw upon and implement if a state is to successfully defend free market liberalism and protect capital and major industrialists (Wilkinson 2021, p. 27). Hence, authoritarian liberalism combines the classical liberal belief that a society should be based on competition and exchange but likewise insists that a state's functions must not be impeded by democratic architecture and potential blockades that prevent it from enforcing pro-market efficiency in outcomes when necessary (Wilkinson 2021, p. 27).

Throughout the pandemic in the EU context, the behaviors of incumbent governments revealed that elected officials were indefinitely supportive of strong state action(s) and as the subsequent section of this study will reveal, they were also highly supportive of corporate and industrial interests . Ladi and Wolff (2021) demonstrate that the EU response to the pandemic significantly differed from earlier crises such as the Eurozone crisis, and argue that the states of emergencies that arose across the EU may end up being 'more permanent than temporary' because a coordinate mode of Europeanization emerged between Brussels and member states along with the strengthening of executive power of the EU Council. From the onset of the pandemic and through the first, second, third, and fourth waves, governments utilized a great deal of their state's capacity and printed billions of extra currency to pay for public health securitization while taking advice from EU institutions on how to monitor and

quarantine populaces. These processes represent a rupture with the past as previous policies were premised on a framework of coercive Europeanization in which EU institutions treated member states with conditionality.

Prior to the pandemic, resources that were in the hands of surveillance capitalists were only partially utilized , yet during the pandemic, nearly every single EU nation called upon state of emergency decrees and ended up extending these decrees to whichever fashion it saw fit throughout 2020. Late into 2021 during the fourth wave of the pandemic, states of emergencies were once again implemented by numerous EU states (Germany, Austria, the Czech Republic). Rather than passing legislation through classical institutional policy-making avenues, governments called upon state of emergencies and widely enacted soft laws to track and monitor their populaces. In detail, hundreds of non-binding orders were made by governments across the EU (Fernandez-Bermejo 2021). Soft laws were then accepted by lower branches of governance institutions (e.g., from federal to regional to city and town levels). Legal scholars have already turned attention to this highly problematic set of outcomes. (Eichler and Sonkar 2021) argue that pandemic restrictions and the surveillance of civilians resulted in a number of shocks to the standing of constitutional democracy,

“It remains to be debated to what extent this proves exceptional given the nature of ‘emergency decrees’ or could, alternatively, be understood as part of a gradual erosion of fundamental liberties since September 9/11 and in the light of missing institutional (constitutionalised) counterweight (Eichler and Sonkar 2021, p. 12)

These claims become especially evident if we consider Haugaard’s (2021) framework in which dimensions of power are categorized and related to democracy,

‘Constitutional checks and human rights are a way to limit the powers of the victors, those in government, so that they cannot disempower the losers in a number of fundamental respects (freedom of speech, freedom of assembly, the right to join unions, the right to form a political party, separation of powers, a supreme court that is not politically stacked and so on) necessary for them be able to participate in the next election on an equal footing to everyone else’ (Haugaard 2021, p. 171).

In Spain, 50 different nationwide non-binding public health guidelines were implemented from March 11 to 31 July 2020 and 150 measures ended up getting adopted at the regional level (Fernandez-Bermejo 2021). Similar processes unfolded across all EU countries. Prior to the pandemic, the usage of non-binding rules (i.e., soft laws) was limited to sector based areas or to specific contexts such as banking and consumer law. In other words, soft laws were used on a limited basis, i.e. to prescribe advice on codes of conduct or good governance standards. During the pandemic however, soft laws ended up fundamentally transforming the basis of social order. Given these processes arose during emergency decrees, they go against among the most basic conditions of power in democracy while simultaneously, they tread eerily close to the conceptual basis of authoritarian liberalism. This brings us to another profoundly important policy that was enforced by states in which all businesses were ordered to be shut down apart from corporate chain supermarkets.

Corporate shopping and profit during the pandemic

During the height of the first wave of the pandemic, shops and small businesses were ordered to shut down. Police were deployed to make sure business owners followed these restrictions and significant fines and material costs were imposed upon business owners that would not comply with lockdowns. What this resulted in was a near-total lockdown of shopping and economic activities apart from the highly significant ‘large shop’ – also known as the corporate supermarket. In Germany for example, the

corporate shops known as Aldi, Lidl, and Ruwe were open. Likewise, in Hungary, Tesco, Kaufland, and Lidl were open while in the Czech Republic and Romania, Lidl and Kaufland (among others, such as Billa) were permitted to be open while all other small (especially local) shops were closed down. Similar situations can be observed across the EU block – in Italy, the French conglomerate Carrefour remained open, while small shops closed. What this resulted in was a heavy concentration of civilians accessing open points of shopping and the formation of a bold but contradictory symbol that few at the time (and even now) acknowledge. Government-led restriction policies, quarantines, and shutdowns, resulted in a unique situation in which corporate sources of shopping were permitted to function, while all others were forced to close.

Previous research has found that in the Central European context, the market structure for grocery retailers constitutes an asymmetric oligopoly with three to four companies dominating. In such a structure, consumers strongly prefer the large 'hypermarket' where goods tend to be cheapest and discounted most heavily (Špička 2016, p. 22). Since such corporate supermarkets were labeled as 'essential businesses' by policymakers at the height of lockdowns and remained open, these outcomes provide us with evidence that supports the logic of market efficiency in authoritarian liberalism. Without doubt, policymakers knew that there would be a major economic impact from lockdowns, but such an impact would not be felt by the hegemons of consumption – the corporate supermarket chain. Similarly, in the US, shopping conglomerates such as Walmart and Target remained opened while smaller shops closed. Since, it has been revealed the 98% of profits of eight publicly listed supermarkets in both the EU and the US (such as Netherlands' Ahold Delhaize, Britain's Tesco and America's Walmart) were given to shareholders through issuing dividends and share buybacks. Dividends were paid out an 123% average that went from $10 to $22.3 billion in only the first eight months of the pandemic (Wanat 2021). In the US, Walmart and Target reported the biggest quarterly percentage increases in their respective histories which ranged from 23% to 25% increases in comparison to average output (Friedman 2020). Similar numbers can be observed with the German conglomerate Lidl's profits which saw sales increase 20%. In total, the eight biggest EU supermarkets saw their market capitalization increase by $101 billion during the first year of the pandemic according to Oxfam International (2021).

Consumer behavior also shifted to online forms of shopping in much of the western world. For example, in January of 2020, around 14% of consumers in the 27 EU states bought groceries, beverages and pet supplies online. By March of 2020, this number skyrocketed to 59% (Ecommerce Europe 2021, p. 21). These policies pertain to the authoritarian liberal logic of privileging market corporate interests over all others and were made possible through implementation of emergency powers. This shift in government dictated modes of consumption emerged quickly and at the expense of small- to medium-sized businesses. Although the author of this paper is not an epidemiologist and does not have access to geolocation data on infection rates during the first wave of the pandemic, there are clear contradictions that are inherent to the corporate-shop only policy that was enforced by governments. Since only some types of shopping access points were permitted, this resulted in hordes of people buying goods in corporate supermarkets. Meanwhile, local farmers' markets (which are almost all outdoors) were shut down as were all small shops. At first glance, it may appear to be difficult to see the logic behind why corporate branded shops were permitted to operate considering the large number of people that they attracted, whereas dispersing shopping to different stores and areas would presumably have an opposite effect. It could very well be the case that the interests of big-businesses were prioritized at the expense of healthcare concerns.

During November 2021 Austria initiated a lockdown for the unvaccinated segment of its adult population and during this lockdown the unvaccinated were only allowed to buy goods from

supermarkets but were not allowed to go to specialized stores (such as small vegetable shops) (Idnes.cz 2021). These complex socio-economic outcomes did not simply arise out of thin air. The fusion of surveillance capitalistic organizations into state institutions represents among the more perfect forms of authoritarian liberalism that early theorists (Heller or Schmitt) of this concept could have imagined. It is now possible for states to track, trace, and plan how they will quarantine subsets of their population (or even the entire population, as the first and second waves of the pandemic demonstrated). Technological resources enable states to prioritize the functioning of specific outlets of shopping (corporate super markets), to enable markets to continue to operate at a certain capacity and enable record profits to be made for industrialists. Meanwhile, states can also ensure that key or 'essential' workers continue to work to transport goods for industrialists such as cross-border truck drivers who haul millions of tons of goods from ports to cities on a 24/7 basis across the European content.

The other side of democratic backsliding?

By the fourth wave of the pandemic, in Austria as well as in parts of Germany, governments began to force lockdowns for unvaccinated segments of their population (in Austria, this is around 20% of the entire populace, 2 million people in total). New York Times' journalists described this as follows: 'the extraordinary step shows that governments desperate to safeguard public health and economic recoveries are increasingly willing to push for once unthinkable measures' (Horowitz and Eddy 2021). A second plausible direction for scholars to take in conceptualizing the meaning of such outcomes is to attempt to understand how they may relate to the trend of democratic backsliding. The democratic backsliding phenomenon has been observed to have picked up in the last decade or so. Walder and Lust (2018) describe this phenomenon as follows, 'backsliding entails a deterioration of qualities associated with democratic governance, within any regime. In democratic regimes, it is a decline in the quality of democracy; in autocracies, it is a decline in democratic qualities of governance.' Backsliding is incremental and does not arise out of a simple one-shot process such as a coup. Over a given span of time, it results in less competitive elections and loosens constraints of accountability in democracies.

This phenomenon is widely acknowledged to be on the rise across the world, especially in contexts such as Hungary, Poland, Turkey, Russia, Brazil, among numerous others (Mechkova et al. 2017, Anna Vachudova 2020, Bauer et al. 2021). In response to the 2014–5 refugee crisis, countries such as Hungary and Poland carried out institutional changes against the wishes and recommendations of Brussels, while in Turkey, similar but more drastic types of institutional changes have been made . In their review of literature on democratic backsliding, Walder and Lust (2018) come to a plausible conclusion in that, 'there is no readily available set of theories that we as a community can uncontroversially adopt, adapt, and apply to the problem of backsliding.'

Perhaps international relations scholars and political scientists can advance their theoretical knowledge of backsliding if they consider that concurrent to the widely discussed populist (and in some instances, nationalistic) processes that have arisen across many different states and polities, there have also been surveillance capitalistic processes that concurrently emerged in a similar time frame. Non-state actors have accumulated massive amounts of information about populaces and used it for material gain. From my engagement with the democratic backsliding literature, very few (if any) accounts capture or mention the potential influence that non-state actors may have on democratic standing]. The same goes for information security and information usage more broadly. We must consider Zuboff's accurate portrayal of the historical trajectory of surveillance capitalism and the ways in which it has been able to keep democracy at bay and even subvert it. Surveillance capitalists engage in massive lobbying of government to prevent regulation of their monopolies over digital communication and information. Zuboff highlights the massive amounts of power that private corporations possess,

‘Two men at Google who do not enjoy the legitimacy of the vote, democratic oversight, or the demands of shareholder governance exercise control over the organization and presentation of the world’s information. One man at Facebook who does not enjoy the legitimacy of the vote, democratic oversight, or the demands of shareholder governance exercises control over an increasingly universal means of social connection along with the information concealed in its networks’ (Zuboff 2019)

Pandemic surveillance capitalism has provided countless observations that scholars in literature on democratic backsliding can engage with. My inclination is that something much larger and more fundamental has arisen during the pandemic and is not limited to a simple recession of democratic institutions that the backsliding literature emphasizes. One robust factor at play here is that states which have not been considered to be a part of the democratic backsliding wave (such as Germany or Spain or Italy) did indeed carry out and implement the same degree authoritarian liberal policies as states that were already considered to be democratic backsliders (e.g. Hungary, Poland, Slovakia). More problematically, as past history has shown us, the formation of policies during periods of crises are unlikely to subside or recede from a society. It is unlikely that the usage of digital technologies to surveil large portions of populations will cease from being implemented in times ahead under the pretext of public health crises or other dislocatory events. 9/11 and terrorism prevention policies had wide-reaching impacts on many liberal democratic societies that still remain influential today. Subsequent to 9/11, the US Congress passed the Patriot Act (which was then renewed and amended in later years). The act enabled government security agencies to monitor and spy on civilians without a warrant if the person(s) under attention were suspected of being a part of a terrorist or foreign extremist group. Similarly, Guantanamo Bay prison in Cuba opened in 2002 and still remains a military detention camp in which prisoners are transported to from all around the world, are tortured, and habitually held for long periods without trial. After 9/11, the nature of law enforcement practice also changed due to counterterrorism policies . More resources were funneled into information sharing and the creation of networks and hubs which shifted funds away from traditional crime prevention resources (Davis et al. 2010). On a micro-level, people adjusted to the new normal of having to take off their shoes to board airplanes and to put toiletries in plastic bags. Lynch et al. (2010) refer to the passing of post-9/11 counter-terrorism laws in countries such as the US, UK, Canada, and Australia as the formation of a ‘culture of control,’ whereas Altheide’s 2006) analysis of media identifies the formation of a ‘discourse of fear.’

Conclusion

This study has given attention to surveillance capitalism during the pandemic in the EU context and has related this phenomenon to both authoritarian liberalism and democratic backsliding. While anti-restriction protests that arose in numerous countries (in 2020, late 2021, and into 2022) due to grievances including economic concerns surrounding small-to-medium businesses (Reuters 2021), booster shots and vaccine requirements (DW News 2022), curfews (Henley 2020), among other related grievances, there has been no single unified movement that is primarily based on grievances pertaining to data security and their relation to government track and trace policies. Just as Zuboff (2019) argued that, ‘surveillance capitalism has taken root so quickly that, with the exception of a courageous cadre of legal scholars and technology-savvy activists, it has cunningly managed to evade our understanding and agreement’ – it appears that the same dynamic has arisen with relation to state-led surveillance of civilians during the pandemic, surveillance that functioned through and was made possible via collaboration with digital technologies. On an institutional basis, the pandemic has revealed that a transfiguration has occurred in which state institutions, policymakers, and interests merged with corporate interests, including tech corporations. This transfiguration has enabled governments to track, trace, and quarantine their populaces with aid of immense compuational resources and the concurrent usage of soft laws and executive actions.

Although not much time has passed and we are still very much embedded in pandemic discourses and policies in 2022, it is plausible to categorize these outcomes under the umbrella of authoritarian liberalism rather than as an incremental democratic backsliding process. With this being said, as with any research endeavor, this study is not without limitations. First, the scope of analysis presented in this study has largely been on the EU context and only several references have been made to other liberal democratic states, which leaves out many countries in the world. Comparisons between countries that are already considered to be fully authoritarian to those that are moving towards authoritarian liberalism were not made. Second, this study has placed focus on a specific number of factors and phenomena through approaching surveillance policies via the concept of surveillance capitalism and relating it to literatures on authoritarian liberalism and democratic policy. This ideal type analysis does not make all aspects of the pandemic visible and hence, this study has not captured all components of social reality that are relevant to the pandemic. It may well be the case that another framework not considered in this study can also shed light on what has occurred and offer suggestions or predictions for what may follow. Other explanatory approaches can indeed benefit our knowledge of the politics of the pandemic including approaches that may be more dialectical in nature or more focused on the paradoxes of pandemic policies.

Throughout this study, it has been demonstrated that the pre-pandemic solidification of surveillance capitalism in liberal democratic states enabled governments to draw from private sectors to track, monitor, and quarantine populations through sophisticated technological means during the pandemic. Many of these policies were made possible in states during emergency decrees and through usage of soft laws that were installed via consultation with Brussels. It is plausible to believe that surveillance capitalism may have merged or transmuted into something entirely new and more worrisome. The meaning of this transfiguration should be debated by scholarly communities in times ahead. This study has suggested that such debates can be fruitful if carried out through the lenses of either authoritarian liberalism, democratic backsliding, or another framework. For example, if we consider the claim that pandemics perturb political power and unveil the relative powerlessness of elites and dictatorial leaders (Cunha et al. 2021), what does this entail for our understanding of power in an era of surveillance capitalism and a potential future that may be dominated by a hegemonic authoritarian liberal configuration of governance in EU states?

It is conceivable that the processes identified in this study (and similar processes that may arise in times ahead) were influenced by configurations of factors that do not originate to the particular domain of control of one political power, party, group, or faction. This particular difference boils down to making distinctions between fully authoritarian polities and those that are formerly democratic or newly authoritarian liberal. Just as there surely was no single person that was pulling the strings behind surveillance capitalism during its development, the EU pandemic response also was driven by different factors and trajectories of political power. When dislocations arise, opportunities follow in which different actors, interests, and institutions get involved to attempt to resolve crises and cover up the contingent nature of social reality through exercising power. What we have seen during the pandemic are: among the largest restrictions on civil liberties and movement in history; the shutting of small and medium-sized businesses in favor of corporate shops; the government usage of private companies' consumer data; the passing of emergency decrees and soft laws – all of which were not carried out in a linear controlled manner, yet, the sum of these parts equates to a new pattern in socio-political organization that may constitute a transfiguration of surveillance capitalism into authoritarian liberalism.

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